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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/500,174	02/08/2000	Yasuharu Katsuno	JA9-99-044	2214

7590 11/18/2005

James E Murray
69 South Gate Drive
Poughkeepsie, NY 12601

EXAMINER

RAMOS FELICIANO, ELISEO

ART UNIT	PAPER NUMBER
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2687

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/500,174

Applicant(s)

KATSUNO ET AL.

Examiner

Eliseo Ramos-Feliciano

Art Unit

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-10 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-10 and 14-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>AUG/19/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The references listed in the Information Disclosure Statement filed on August 19, 2005 have been considered by the examiner (see attached PTO-1449 or PTO/SB/08A and 08B forms).

Claim Objections

2. Previous objection to *claims 1 and 7* is withdrawn in view of Applicant's amendment filed August 19, 2005.
3. The changes presented by Applicant's amendment filed August 19, 2005 introduce new grounds for objection as follows:
4. Newly added **claims 16 and 19** are objected to because of the following informalities: the body of the claims contain words or phrases between quotation marks. This is confuse as it is not clear the effect these limitations in quotation marks have on the scope of the claim. It is suggested to remove the quotation marks from words or phrases. Correction is required.

Claim Rejections - 35 USC § 112, second paragraph

5. Previous rejection to *claims 1, 5 and 9* under 35 U.S.C. 112, second paragraph, is withdrawn in view of Applicant's amendment filed August 19, 2005.

Claim Rejections - 35 USC § 112, first paragraph

6. The changes presented by Applicant's amendment filed August 19, 2005 introduce new grounds for rejection under 35 U.S.C. 112, first paragraph, as follows:
7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. **Claims 1, 3, 5-10, and 14-20** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 now requires “calling means, for broadcasting the message to said selected mobile stations to be called while keeping a count of the number of the mobile stations already called to assure the assigned specified number of mobile station recipients called is not exceeded”. This is subject matter which was not described in the original specification; therefore, new matter. In fact, calling means for keeping a count of the number of the mobile stations already called is not mentioned in the original disclosure.

Claims 3, 5 and 14-16 being dependent from *claim 1* contain the same new matter problem described above.

Claim 6 now requires “transmitting from one mobile to another mobile station information including the one mobile stations phone number designation of said accepted communication area, the areas radius centered at the one mobile station and location data from a GPS system in the one mobile station”. This is subject matter which was not described in the original specification; therefore, new matter. In fact, at least the limitation of transmitting from one mobile to another mobile station the areas radius centered at the one mobile station is not mentioned in the original disclosure.

Claim 7 now requires “calling said selected mobile stations to be called sequentially keeping count of the number called so that the number of mobile stations called does not exceed

the specified number”. This is subject matter which was not described in the original specification; therefore, new matter.

Claims 17-18 being dependent from *claim 7* contain the same new matter problem described above.

Claim 8 now requires “transmitting over a communications network from the one mobile station to another mobile station information including the designation of said accepted communication area, its radius centered at the one mobile station and the phone number of the one mobile station”. This is subject matter which was not described in the original specification; therefore, new matter.

Claim 9 now requires “providing to the another said mobile station the telephone number of the one mobile station, the location of the one mobile station and the radius of the relative effective range”. This is subject matter which was not described in the original specification; therefore, new matter.

Claim 10 now requires “transmitting from a first the one mobile station to the another other mobile stations information including the designation of said accepting accepted communication area which is centered at the location of the one mobile station”. This is subject matter which was not described in the original specification; therefore, new matter.

Claims 19-20 being dependent from *claim 10* contain the same new matter problem described above.

Conclusion

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9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication from the examiner should be directed to Eliseo Ramos-Feliciano whose telephone number is 571-272-7925. The examiner can normally be reached from 8:00 a.m. to 5:30 p.m. on 5-4/9 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid, can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ELISEO RAMOS-FELICIANO
PATENT EXAMINER



ERF/erf
November 10, 2005



SONNY TRINH
PRIMARY EXAMINER